

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

CATHLEEN YOUNG WADDLE
1822-6 S. Glenburnie Road, #153
New Bern, NC 28562

Registered Nurse License No. 570767

Respondent

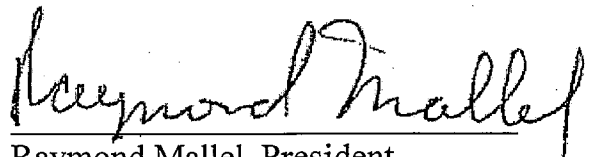
Case No. 2013-348

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **May 24, 2013.**

IT IS SO ORDERED **May 24, 2013.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-348

13 **CATHLEEN YOUNG WADDLE**
1822-6 S. Glenburnie Road, #153
New Bern, NC 28562
Registered Nurse License No. 570767

14 **STIPULATED SURRENDER OF**
15 **LICENSE AND ORDER**

16 Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") is the Executive Officer of the Board
21 of Registered Nursing. She brought this action solely in her official capacity and is represented in
22 this matter by Kamala D. Harris, Attorney General of the State of California, by Sydney M.
23 Mehringer, Deputy Attorney General.

24 2. Cathleen Young Waddle ("Respondent") is representing herself in this proceeding
25 and has chosen not to exercise her right to be represented by counsel.

26 3. On or about August 23, 2000, the Board of Registered Nursing issued Registered
27 Nurse License No. 570767 to Respondent. The Registered Nurse License expired on June 30,
28 2010, and has not been renewed.

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1 Registered Nursing may communicate directly with the Board regarding this stipulation and
2 surrender, without notice to or participation by Respondent. By signing the stipulation,
3 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
4 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
5 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be
6 of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
7 between the parties, and the Board shall not be disqualified from further action by having
8 considered this matter.

9 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of
10 License and Order, including facsimile signatures thereto, shall have the same force and effect as
11 the originals.

12 12. This Stipulated Surrender of License and Order is intended by the parties to be an
13 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
14 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
15 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
16 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
17 executed by an authorized representative of each of the parties.

18 13. In consideration of the foregoing admissions and stipulations, the parties agree that
19 the Board may, without further notice or formal proceeding, issue and enter the following Order:

20 **ORDER**

21 IT IS HEREBY ORDERED that Registered Nurse License No. 570767, issued to
22 Respondent Cathleen Young Waddle, is surrendered and accepted by the Board of Registered
23 Nursing.

24 1. The surrender of Respondent's Registered Nurse License and the acceptance of the
25 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
26 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
27 license history with the Board of Registered Nursing.
28

2. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2013-348 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If and when Respondent's license is reinstated, she shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$1,292.50. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of the license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 2013-348 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

7. Respondent shall not apply for licensure or petition for reinstatement for two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

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DATED: _____

ENDORSEMENT

Stipulated Surrender of License (Case No. 2013-348)

Exhibit A

Accusation No. 2013-348

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 SYDNEY M. MEHRINGER
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E-mail: Sydney.Mehringer@doj.ca.gov
7 Attorneys for Complainant

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10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013 - 348

13 **CATHLEEN YOUNG WADDLE**
1822-6 S. Glenburnie Road, #153
New Bern, NC 28562

A C C U S A T I O N

14 **Registered Nurse License No. 570767**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about August 23, 2000, the Board of Registered Nursing ("Board") issued
23 Registered Nurse License Number 570767 to Cathleen Young Waddle ("Respondent"). The
24 Registered Nurse License expired on June 30, 2010, and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.
28

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Section 2811, subdivision (b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

6. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

7. Title 16, Section 1419.3 of the California Code of Regulations defines the period in which a license may be renewed or reinstated:

“In the event a licensee does not renew his/her license as provided in Section 2811 of the code, the license expires. A licensee renewing pursuant to this section shall furnish a full set of fingerprints as required by and set out in section 1419(b) as a condition of renewal.

(a) A licensee may renew a license that has not been expired for more than eight years by paying the renewal and penalty fees as specified in Section 1417 and providing evidence of 30 hours of continuing education taken within the prior two-year period.

(b) A licensee may renew a license that has been expired for more than eight years by paying the renewal and penalty fees specified in Section 1417 and providing evidence that he or she holds a current valid active and clear registered nurse license in another state, a United States territory, or Canada, or by passing the Board's current examination for licensure."

STATUTES

8. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

• • • •

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

COST RECOVERY

9. Business and Professions Code section 125.3. states that:

"(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board upon request of the entity bringing the proceedings, the administrative law judge may direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

"(b) In the case of a disciplined licentiate that is a corporation or a partnership, the order may be made against the licensed corporate entity or licensed partnership.

"(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The costs shall include the amount of investigative and enforcement costs up to the date of the hearing, including, but not limited to, charges imposed by the Attorney General.

"(d) The administrative law judge shall make a proposed finding of the amount of reasonable costs of investigation and prosecution of the case when requested pursuant to subdivision (a). The finding of the administrative law judge with regard to costs shall not be reviewable by the board to increase the cost award. The board may reduce or eliminate the cost award, or remand to the administrative law judge if the proposed decision fails to make a finding on costs requested pursuant to subdivision (a).

"(e) If an order for recovery of costs is made and timely payment is not made as directed in the board's decision, the board may enforce the order for repayment in any appropriate court.

1 This right of enforcement shall be in addition to any other rights the board may have as to any
2 licentiate to pay costs.

3 "(f) In any action for recovery of costs, proof of the board's decision shall be conclusive
4 proof of the validity of the order of payment and the terms for payment.

5 "(g)(1) Except as provided in paragraph (2), the board shall not renew or
6 reinstate the license of any licentiate who has failed to pay all of the costs ordered
7 under this section.

8 (2) Notwithstanding paragraph (1), the board may, in its discretion,
9 conditionally renew or reinstate for a maximum of one year the license of any
10 licentiate who demonstrates financial hardship and who enters into a formal
11 agreement with the board to reimburse the board within that one-year period for the
12 unpaid costs.

13 "(h) All costs recovered under this section shall be considered a reimbursement for costs
14 incurred and shall be deposited in the fund of the board recovering the costs to be available upon
15 appropriation by the Legislature.

16 "(i) Nothing in this section shall preclude a board from including the recovery of the costs
17 of investigation and enforcement of a case in any stipulated settlement.

18 "(j) This section does not apply to any board if a specific statutory provision in that board's
19 licensing act provides for recovery of costs in an administrative disciplinary proceeding.

20 "(k) Notwithstanding the provisions of this section, the Medical Board of California shall
21 not request nor obtain from a physician and surgeon, investigation and prosecution costs for a
22 disciplinary proceeding against the licentiate. The board shall ensure that this subdivision is
23 revenue neutral with regard to it and that any loss of revenue or increase in costs resulting from
24 this subdivision is offset by an increase in the amount of the initial license fee and the biennial
25 renewal fee, as provided in subdivision (e) of Section 2435."

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1 **CAUSE FOR DISCIPLINE**

2 (Discipline by the Florida Board of Nursing)

3 10. Respondent is subject to disciplinary action under Code section 2761, subdivision
4 (a)(4) on the grounds of unprofessional conduct in that Respondent's registered nurse license was
5 disciplined by the Florida Board of Nursing ("Florida Board"), as follows:

6 11. On or about June 29, 2004, in a case entitled *Department of Health, Board of Nursing*
7 *v. Cathleen Young Waddle, R.N.*, case number 2003-01383, the Florida Board issued a Final
8 Order Accepting Counterstipulation ("First Final Order") placing Respondent's license on
9 probation for one year with terms and conditions, issuing her a reprimand, ordering her to
10 complete a continuing education class in professional ethics, and ordering her to pay a fine and
11 costs. The circumstances underlying the First Final Order are as follows:

12 (a) On or about November 7, 2002, Respondent brought her friend's daughter
13 (hereinafter "stepdaughter") to Wellington Regional Medical Center ("the Center") where
14 Respondent was employed as a registered nurse. Respondent was not on duty on November 7,
15 2002.

16 (b) Without registering the "stepdaughter," without the "stepdaughter" being
17 examined by an emergency room physician or other personnel, and without any written or oral
18 order from a physician, Respondent intravenously administered approximately 1000cc of normal
19 saline to the "stepdaughter."

20 (c) Once the intravenous injection was completed, Respondent and the
21 "stepdaughter" left the Center.

22 12. On or about June 27, 2006, in a case entitled *Department of Health v. Cathleen*
23 *Waddle*, case number 2005-50424, the Florida Board of Nursing issued a Final Order ("Second
24 Final Order") adopting a stipulation between the parties and reprimanding Respondent's license
25 and ordering her to pay a fine and costs. The circumstances underlying the Second Final Order
26 are as follows:

27 (a) The First Final Order required Respondent and her nursing supervisor to submit
28 quarterly reports to the Florida Department of Health.

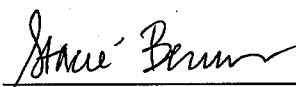
(b) Respondent failed to submit the required quarterly reports to the Board or the Department of Health.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 570767, issued to Cathleen Young Waddle;
2. Ordering Cathleen Young Waddle to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: OCTOBER 29, 2012

for 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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